

In order to get Tax Increment Financing for a property, there are two processes that need to be followed (1) designating an area as blighted and substandard designation and (2) adopting a redevelopment. These processes involved three public entities—the planning board, the community redevelopment authority (CRA), and the governing body (City Council in this case). These processes and the required notifications are generally covered by the Community Redevelopment Law—Neb. Rev. Stat. § 18-2101 through 18-2144. These processes were modified by LB 874 in 2018.

A redevelopment plan cannot be adopted unless an area has been declared blighted and substandard.

#### 1) Blight Process

- a) The governing body shall cause a study or analysis of whether the area is blighted or substandard to be conducted and shall submit the question of whether the area is substandard or blighted to the planning commission for review and recommendation. Neb. Rev. Stat. § 18-2109 as amended by LB 874.
- b) The planning commission receives the question and submits its written recommendation to the governing body within 30 days. The planning commission will hold a hearing on the substandard and blight question. Neb. Rev. Stat. § 18-2109 as amended by LB 874
  - i) Notice Requirements for the Planning Commission's Hearing—Section 13 of LB 874
    - (1) Notice will be published at least once a week for two consecutive weeks in a legal newspaper of general circulation in the community
    - (2) The time of the hearing shall be at least 10 days from the date of last publication.
  - ii) Notice to Other Entities—Section 13 of LB 874
    - (1) At least 10 days prior to the public hearing, notice shall be provided to each registered neighborhood association whose area of representation is within a one-mile radius of the area to be declared substandard and blighted. Notice will be provided in the manner requested by the organization. The statute provides for three methods: email, first-class mail, or certified mail.
    - (2) At least 10 days prior to the public hearing, notice shall be given, by certified mail, return receipt requested, to the president or chairperson of the governing body of each
      - (a) County
      - (b) School District
      - (c) Community College
      - (d) Educational Service Unit, and
      - (e) Natural Resources District

in which the area to be declared substandard or blighted is located and whose property tax receipts would be directly affected. Neb. Rev. Stat. § 18-2115 as amended.

- (3) The notice will include time, date, place, and purpose of the hearing, and shall include (1) a map of sufficient size to show the area to be declared substandard and blighted and (2) information on where to find copies of the substandard and blighted study. Neb. Rev. Stat. § 18-2109 as amended and Section 13 of LB 874
- iii) Copies of the substandard and blighted study shall be posted on the city's public web site or made available for public inspection at a location designated by the city. Neb. Rev. Stat. § 18-2109 as amended.
- c) The governing body receives the recommendation of the planning commission and holds a hearing. If the planning commission does not forward its recommendation to the governing body within 30 days, then the governing body may move forward with a hearing without a written recommendation from the planning board.
  - i) Notice Requirements for the governing body's hearing— Section 13 of LB 874
    - (1) Notice will be published at least once a week for two consecutive weeks in a legal newspaper of general circulation in the community
    - (2) The time of the hearing shall be at least 10 days from the date of last publication.
  - ii) Notice to Other Entities—Section 13 of LB 874
    - (1) At least 10 days prior to the public hearing, notice shall be provided to each registered neighborhood association whose area of representation is within a one-mile radius of the area to be declared substandard and blighted. Notice will be provided in the manner requested by the organization. The statute provides for three methods: email, first-class mail, or certified mail.
    - (2) At least 10 days prior to the public hearing, notice shall be given, by certified mail, return receipt requested, to the president or chairperson of the governing body of each
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- (3) The notice will include time, date, place, and purpose of the hearing, and shall include (1) a map of sufficient size to show the area to be declared substandard

and blighted and (2) information on where to find copies of the substandard and blighted study. Neb. Rev. Stat. § 18-2109 as amended.

iii) Copies of the substandard and blighted study shall be posted on the city's public web site or made available for public inspection at a location designated by the city. Neb. Rev. Stat. § 18-2109 as amended.

## 2) Redevelopment Process

a) The CRA or any person or agency, public or private may submit a plan to the CRA. Neb. Rev. Stat. § 18-2111

b) The CRA will submit the redevelopment plan to the planning commission. Neb. Rev. Stat. § 18-2112

c) The planning commission will hold a hearing on the redevelopment plan within 30 days and provide its written recommendations to the redevelopment authority.

i) Notice Provisions for the planning commission's hearing—Section 13 of LB 874

(1) Notice will be published at least once a week for two consecutive weeks in a legal newspaper of general circulation in the community

(2) The time of the hearing shall be at least 10 days from the date of last publication.

ii) Notice to Other Entities—Section 13 of LB 874

(1) At least 10 days prior to the public hearing, notice shall be provided to each registered neighborhood association whose area of representation is within a one-mile radius of the area to be declared substandard and blighted. Notice will be provided in the manner requested by the organization. The statute provides for three methods: email, first-class mail, or certified mail.

(2) At least 10 days prior to the public hearing, notice shall be given, by certified mail, return receipt requested, to the president or chairperson of the governing body of each

(a) County

(b) School District

(c) Community College

(d) Educational Service Unit, and

(e) Natural Resources District

in which the area to be declared substandard or blighted is located and whose property tax receipts would be directly affected.

(3) The notice will include time, date, place, and purpose of the hearing, and shall include (1) a map of sufficient size to show the redevelopment area or where to find such map and (2) information on where to find copies of any cost-benefit analysis conducted. 18-2115 as amended.

- iii) Copies of the cost-benefit analysis shall be posted on the city's public web site or made available for public inspection at a location designated by the city. 18-2113 as amended.
- d) The CRA receives the recommendation of the planning commission and considers the redevelopment plan. If the planning commission does not forward its recommendation to the CRA within 30 days, then the CRA may move forward with its consideration without a written recommendation from the planning board.
  - i) There is no specific hearing requirement for the CRA, but the CRA will need to meet and reasonable notice provisions will apply.
  - ii) The CRA may recommend the redevelopment plan to the governing body for approval. There are specific items the recommendation must include that are outlined in Neb. Rev. Stat. § 18-2114.
- e) The governing body receives the recommendation of the CRA and holds a hearing on the redevelopment plan.
  - i) Notice Provisions for the governing body's hearing—Section 13 of LB 874
    - (1) Notice will be published at least once a week for two consecutive weeks in a legal newspaper of general circulation in the community
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- iii) Copies of the cost-benefit analysis shall be posted on the city's public web site or made available for public inspection at a location designated by the city. Neb. Rev. Stat. § 18-2113 as amended.